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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198765
Party	Defendant Brocade Communications Systems, Inc.
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Submission	Other Motions/Papers
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Date	07/21/2011
Attachments	Response to Default Order.pdf (2 pages)(15243 bytes)

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 Trademark Trial and Appeal Board
3 P.O. Box 1451
4 Alexandria, VA 22313-1451

5 Synopsys, Inc.

6 v.

7 Brocade Communications
8 Systems, Inc.

Opposition No. 91198765

RESPONSE AND MOTION TO SET
ASIDE NOTICE OF DEFAULT

9 Applicant, Brocade Communications Systems, Inc. ("Brocade") hereby respectfully
10 responds to the Order to Show Cause Why Default Should Not Be Entered issued by the
11 Board on July 19, 2011. In support of its Response, Brocade hereby asserts as follows:

12 1. Brocade and Opposer, Synopsys, Inc. ("Synopsys") have been engaged in
13 discussions regarding their concurrent use of the VCS trademark and resolving any associated
14 dispute between them since before Synopsys filed the Notice of Opposition in the instant
15 proceeding.

16 2. During the course of those discussions, Brocade and Synopsys mutually agreed
17 to extend the deadline by which Brocade must file its Answer and, to that end, Brocade
18 submitted and the Board granted Brocade's Motion to Extend the Time to Answer with
19 Synopsys' consent.

20 3. Brocade's undersigned attorney of record assumed that the parties would be
21 able to finalize an Agreement, including a Stipulation of Dismissal of the instant proceeding
22 by the extended deadline.

23 4. And, in fact, the parties reached such an Agreement, for which Brocade merely
24 awaits receipt of a copy signed by Synopsys.

25 5. Allowing the deadline to Answer to pass without seeking a further extension of
26

1 time was inadvertent, in part resulting from the preparation for and physical move of
2 Brocade's undersigned counsel to a new State (Washington to California) and formation of a
3 new firm.

4 6. As previously noted, the parties contemplate submitting a Stipulation of
5 Dismissal of the Action shortly. Pending that submission, Brocade respectfully requests that
6 the Board set aside its Order to Show Cause and reset the deadline by which Brocade must
7 Answer the Notice of Opposition.

8 7. Counsel for Synopsys agreed to the undersigned notifying the Board of the
9 status of the parties' negotiations and not to object to the instant Motion.

10 DATED this 21st day of July 2011.

11 EDGE LAW GROUP

12
13 By /s/
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